

ST 03 (11) 2015
Mandir bazar PS case no. 99/2010

Order no. 50 dated 29.09.22

Today is fixed for evidence. Out of 4 accused persons, 2 accused are present by filing hazira and other 2 accused are absent by filing petition u/s 317 Cr.P.C.

Ld. PP in charge is present. Prayer is allowed.

Investigating officer of this case is absent.

No witness is present.

One service return is received against CS witnesses namely Debi Ghosh and Rumpa Ghosh with report that they could not be found in their given address.

From the record it transpires that this is a case u/s 498A/304B/306/34 of IPC . If summon could not be served properly to the witnesses case will be unnecessary delayed.

It is clearly observed by the Hon'ble Supreme Court in judgment dated 28.11.2001 in Shailendra Kumar Vs State of Bihar and others that **“it is duty of Sessions Judge to issue summon to the investigating officer if he failed to remain present at the time of trial of the case. The presence of investigating officer at the time of trial is must. It is his duty to keep the witnesses present. If there is failure on part of any witness to remain present, it is the duty of the court to take appropriate action**”

In compliance with such direction of the Hon'ble Supreme Court SP Sundarban Police District is directed to ensure appearance of I.O. of this case Tapash Majundar and in default, appearance of present OC of PS Mandir Bazar before this Court on 31.01.2023.

Issue summon to CSW 3, 6, 7, 9 accordingly.

Let a copy of this order sheet be sent to SP Sundarban Police District and OC of PS Mandir Bazar so that said direction of the Hon'ble Supreme Court is strictly complied with.

To 31.01.2023 for appearance of I.O. and evidence.